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Attorneys for Defendant and Counter Claimant Acacia Communications, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ViaSat, Inc.,

a Delaware corporation,

Plaintiff

and Counter Defendant,

v.

Acacia Communications, Inc.,

a Delaware corporation,

Defendant

and Counter Claimant.

Case No.: 3:16-cv-00463-BEN-JMA

**ACACIA COMMUNICATIONS,
INC.'S PRETRIAL DISCLOSURES
UNDER FED. R. CIV. P. 26(a)(3)**

Judge: Hon. Roger T. Benitez

Mag. Judge: Hon. Jan M. Adler

Under Federal Rule of Civil Procedure 26(a)(3) and the Court's Scheduling Order (D.I. 68 at ¶ 8), Defendant and Counter Claimant Acacia Communications, Inc. ("Acacia") provides the following pretrial disclosures.

In view of the Court's anticipated rulings on the parties' cross-motions for summary judgment and other motions, and in view of the currently set pretrial conference date of June 4, 2018, Acacia respectfully requests leave to (and reserves the right to) serve and promptly file amended disclosures 30 days before trial. *See* Fed. R. Civ. P. 26(a)(3)(B). Acacia serves and files the present disclosures in compliance with the Court's current scheduling order (D.I. 68 at ¶ 8), although Acacia has requested that the Court continue the upcoming pretrial conference and related deadlines. (D.I. 161).

I. FED. R. CIV. P. 26(a)(3)(A)(i) – IDENTIFICATION OF WITNESSES, OTHER THAN SOLELY FOR IMPEACHMENT

Acacia expects to present the following witnesses at trial:

<u>Name</u>	<u>Address and Telephone Number</u>
Bhupendra Shah	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Gary Martin	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Christian Rasmussen	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Brent Bersin	Duff & Phelps, LLC, Heritage Plaza 1111 Bagby St., Houston, TX 77002, Tel: (713) 237 5331
Alexander Vardy	University of California San Diego, 9500 Gilman Drive, La Jolla, CA 92093-0407, Tel: (619) 997-1715
Richard Koralek	35 Bayview Street, Belfast, Maine, 04915-6708, Tel: (207) 930-3552
Paul Prucnal	Department of Electrical Engineering, Princeton University, Princeton, NJ 08544, Tel: (609) 258-5549

Acacia may call the following witnesses if the need arises:

<u>Name</u>	<u>Address and Telephone Number</u>
Mehmet Aydinlik	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Pierre Humblet	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Benny Mikkelsen	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Peter Monsen	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Lawrence Pellach	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Graeme Pendock	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896
Murugesan Shanmugaraj	Acacia Communications, Inc., 3 Mill and Main Place, Suite 400, Maynard, MA 01754, Tel: (978) 938-4896

Acacia may also call the following witnesses if the need arises:

- Any witness called by Plaintiff and Counter Defendant ViaSat, Inc. (“ViaSat”).
- Any witness necessary to rebut or impeach any witness offered in this matter.
- Any witness endorsed by ViaSat for purposes of impeachment or cross-examination.
- Any witness necessary to lay foundation for or authenticate any exhibits.

II. FED. R. CIV. P. 26(a)(3)(A)(ii) – TESTIMONY ACACIA EXPECTS TO PRESENT BY DEPOSITION, OTHER THAN SOLELY FOR IMPEACHMENT

Attached as Exhibit A is the designation of those witnesses whose testimony Acacia expects to present by deposition, all of which were taken stenographically.

1 **III. FED. R. CIV. P. 26(a)(3)(A)(iii) – IDENTIFICATION**
 2 **OF DOCUMENTS AND EXHIBITS, OTHER THAN**
 3 **SOLELY FOR IMPEACHMENT**

4 Attached as Exhibit B is an identification of each document or other exhibit,
 5 including summaries of other evidence, that Acacia expects to offer at trial and that
 6 Acacia may offer at trial if the need arises. Acacia also may offer at trial if the need
 7 arises any exhibit listed in ViaSat's Rule 26(a)(3)(A)(iii) disclosures, and any exhibit
 8 offered by ViaSat at trial.

9 **IV. NO MEMORANDA OF CONTENTIONS**
 10 **OF FACT OR LAW REQUIRED**

11 The Court has indicated that in jury trial cases such as this one, Memoranda of
 12 Contentions of Fact and Law are neither requested nor required. The Scheduling
 13 Order Regulating Discovery and Other Pre-Trial Proceedings states that "[i]n jury trial
 14 cases before the Honorable Roger T. Benitez, neither party, unless otherwise ordered
 15 by the Court, is required to file Memoranda of Contentions of Fact and Law pursuant
 16 to Civil Local Rule 16.1(f)(2)." For that reason, Acacia does not file such a
 17 Memorandum today.

18 Date: May 7, 2018

Respectfully Submitted,

WOLF, GREENFIELD & SACKS, P.C.

By: s/Michael A. Albert

Michael A. Albert

Hunter D. Keeton

Stuart V. C. Duncan Smith

Attorneys for Defendant and Counter
 Claimant Acacia Communications, Inc.

CERTIFICATE OF SERVICE

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for ViaSat, Inc., per the agreement of counsel.

Date: May 7, 2018

s/Michael A. Albert

Michael A. Albert